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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,991	06/15/2001	Patrick Christian Michael Boucousis	3133.00003	7804
48924	7590	08/15/2006	EXAMINER	
KOHN & ASSOCIATES PLLC 30500 NORTHWESTERN HWY STE 410 FARMINGTON HILLS, MI 48334			JASMIN, LYNDA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,991	<b>Applicant(s)</b> BOUCOUSIS, PATRICK CHRISTIAN MICHAEL	
	<b>Examiner</b> Lynda Jasmin	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Amendment received May 08, 2006 has been acknowledged. New are claims 15-20 are now pending.

#### ***Claim Rejections - 35 USC § 101***

2. Claims 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim contains software (data) structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the recitation "to generate a list of the component parts for entry" lacks proper antecedent basis.

In claim 15 the recitation "the seekers only having access to search the item catalogue and not the having access to the listing catalogue" renders the claims indefinite since it contradicts with the fact that the vendor item records are into the listing

catalogue. Are applicants referring to two separate search databases? Further, the recited step of “enabling seekers at their option to view the identity of the vendor of any of the matched items” is not positively set forth since it contradicts with the whole idea of not identifying of the vendor to the seeker.

The application in claim 17-20 is indefinite since it contradicts with the method performed in claim 15 that the seekers only does not the having access to the listing catalogue.

In claim 20 the recitation “configured to aid vendors in creating item listings for submission by presentating them with a series of options to select between” is unclear.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. As best understood, claims 7, 15-20 is rejected under 35 U.S.C. 102(b) as being anticipated by Purcell (5,940,807).

Purcell discloses a method for facilitating the exchange of information between vendors and seekers through a communication network including the steps of:

entering vendor item records into a listing catalogue (via an information management system), the item records corresponding to items listed in an item catalogue (via a unified of products) (see col. 7, lines 6-12),

generating search queries by identified seekers for items listed in the item catalogue, the seekers only having access to search the item catalogue and not having access to the listing catalogue nor to information about any vendor (col. 7 lines 24-29);

automatically searching the listing catalogue for items matching those being searched for by the seekers and providing details of the matched items, but not details of the vendors, to the seekers (col. 7, lines 24-34),

enabling seekers at their option to view the identity of the vendor of any of the matched items (col. 6, lines 27-31), and

subsequently, automatically providing the identity of the seeker and the items viewed to the identified vendor of any viewed item through the communication network (col. 7, lines 16-24).

Purcell also discloses wherein a vendor designates a seeker, who has been identified to the vendor, as a seeker who is to be denied future access to that vendor's item records, said searching step being further defined as excluding that vendor's items in the listing catalogue from those provided to the seeker as a result of the seeker's query (col. 4, lines 20-32).

Purcell further discloses the step of aiding the vendors to enter assemblies of items by providing a software module configured to recognize an item, which is an assembly of parts, and to generate a list of the component parts for entry into the listing catalogue (col. 3, lines 57-64).

Purcell further discloses the use of an inter accessible graphical interface in communication with the electronically searchable listing via accessing and utilizing a network commonly referred to as the Internet or World Wide Web.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 7, 15-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Teshima, Walker et al., and Case et al. are cited as art of interest.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

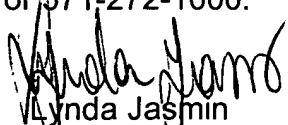
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627

lj